

Office of Police Accountability

2022 Annual Report



Table of Contents

Table of Contents	2
Facts at a Glance	4
Letter from the Director	5
About OPA	7
What We Do	7
OPA’s Independence	7
Vision, Mission, Values	8
Seattle’s Police Accountability System	9
Review of OPA.....	9
Staff & Organizational Structure	10
Training & Professional Development.....	11
Complaints	12
Contacts Received.....	12
Complaints & Cases	13
Complaint Demographics	15
SPD Employees Named in Complaints	15
Incident Locations.....	17
Allegations	18
Classifications.....	20
Investigations	22
Expedited & Full Investigations.....	22
Timeliness.....	23
Findings	23
Discipline Imposed	25
Appeals.....	26
Policy & Programs	27
Unsubstantiated Misconduct Screenings.....	27
Mediation	27
Rapid Adjudication	28
Management Action Recommendations	28
Reviewing SPD Policy	28
Other OPA Functions	29

Community Engagement	29
SPD Employee Engagement	29
Monitoring Serious Incidents	29
Appendix A	31

Facts at a Glance



2,252 contacts
received



454 cases
opened



60% of complaints
went to investigation



13% of
investigations
had sustained
allegations



60% of investigations
were initiated by
community members



Zero findings
overturned by
the chief



Force allegations
down **36%**
from 2021



18% of allegations
about professionalism



857 findings
issued

Letter from the Director

Last year, Seattle saw significant changes. From welcoming a new mayoral administration to our gradual emergence from a worldwide shutdown, 2022 was a year of triumphs and challenges. Similarly, Seattle’s Office of Police Accountability (OPA) experienced notable shifts.

Our office saw significant changes in leadership and capacity, with three directors within a year, operational vacancies, increased workloads, and roughly two-thirds of our staff having less than a year on the job.

When I joined OPA in August 2022, I prioritized mitigating those challenges and proactively working to increase public confidence in police oversight. To that end, I partnered with public and private stakeholders, sought community and law enforcement input and perspectives, and hired service-oriented police accountability leaders to ensure we meet public needs and expectations.

Those investments, coupled with the efforts of our dedicated staff, helped OPA achieve noteworthy wins in 2022, including:

- Raised awareness about OPA and police accountability throughout Seattle’s BIPOC and other marginalized communities
- Hired a complaint navigator to educate complainants about OPA’s processes, provide case updates, and answer questions
- Completed over 95% of investigations within the statutory and bargained 180-day timeline
- Expanded OPA’s leadership to include a general counsel and assistant general counsel to increase OPA’s capacity and efficiency for Director Certification Memo (DCM) processing
- Issued a Management Action Recommendation (MAR) for SPD’s response to subjects with edged weapons, which SPD fully implemented (see “Subjects with Knives,” Appendix: MAR Summaries, pg. 31)

As OPA’s director, I am motivated and led by my experience growing up in Chicago’s inner city and my professional experience as a police accountability attorney. While on the surface Seattle and Chicago seem worlds apart, public expectations for police accountability are essentially the same: independence, civilianization, transparency, objectivity, and high-quality investigations.

I am fully committed to making OPA the national standard for police accountability and earning public confidence in our work. With bold leadership and an engaged community, there is no place better than Seattle to demonstrate excellent policing and meaningful police accountability. Together, as One Seattle, I am convinced we will reimagine policing and improve police oversight.

Sincerely,



Gino Betts Jr.
Director, Office of Police Accountability



About Director Gino Betts Jr.

- Worked at Chicago's Civilian Office of Police Accountability and the Cook County Department of Homeland Security and Emergency Management
- Served as a Cook County Assistant State's Attorney, where he led the Southside Community Justice Center
- Studied International and Comparative Constitutional Law in Cape Town, South Africa
- Taught legal writing at DePaul University School of Law and trial advocacy at the University of Illinois at Chicago School of Law

“While on the surface Seattle and Chicago seem worlds apart, public expectations for police accountability are essentially the same: independence, civilianization, transparency, objectivity, and high-quality investigations.”

About OPA

What We Do

Seattle's Office of Police Accountability is an independent civilian-led agency that investigates misconduct allegations against Seattle Police Department (SPD) employees. Once a complaint is investigated, the OPA director reviews it and decides whether to sustain or not sustain any of the allegations. A sustained finding means a policy was violated. The director's recommendations then go to the chief of police for review. The chief of police makes the final decision on findings and discipline.

OPA's Independence

OPA is led by a civilian director who does not report to the police chief. Leadership and management staff are also civilians. OPA's investigations team includes civilian investigators and SPD sergeants. This hybrid model brings a wide range of expertise and perspectives to OPA investigations.

OPA is physically and operationally outside of SPD but administratively supported by the department. This structure ensures complete and immediate access to all SPD controlled data, evidence, and personnel necessary for thorough and timely investigations and complaint handling.

OPA's core functions include:

- Establishing and managing processes to initiate, receive, classify, and investigate individual allegations of SPD employee misconduct
- Promoting public awareness of, full access to, and trust in OPA complaint processing
- Identifying SPD system improvement needs and recommending effective solutions
- Helping reduce misconduct and enhancing positive employee conduct

Vision, Mission, Values

OPA's *vision* is to safeguard a culture of accountability within SPD.

OPA's *mission* is to ensure the actions of SPD employees comply with law and policy by conducting thorough, objective, and timely investigations, recommending improvements to policies and training, and engaging in collaborative initiatives that promote systemic advancements.

OPA's *values* guide employee conduct and organizational culture in pursuing OPA's mission.

These values include:

Independence

- Make decisions based on consistent application of facts, policies, and laws.
- Maintain neutrality and exercising impartial judgment.
- Ensure all viewpoints are heard and respected.

Transparency

- Maintain honest and open communication with all stakeholders.
- Communicate process, reasoning, and conclusions.
- Remain accountable to vision, mission, and values, both internally and externally.

Collaboration

- Build meaningful and cooperative working relationships.
- Solicit and valuing the community's perspective and expertise.
- Work with system partners to advance accountability and improve SPD policies and training.

Innovation

- Set the national standard for police oversight agencies.
- Explore ways to improve processes and services.
- Use data and research to drive decision-making.

Seattle’s Police Accountability System

The City of Seattle’s three-pronged police oversight system comprises OPA, the Office of Inspector General for Public Safety (OIG), and the Community Police Commission (CPC). Together, all three entities work to build public trust in SPD and uphold a culture of accountability and adherence to policy and constitutional law.

Figure 1: Seattle’s Police Accountability System



Review of OPA

To ensure allegations are accurately classified and employees correctly identified, OIG reviews OPA Contact Logs and SPD Bias Reviews. For the first half of 2022, OIG audited Supervisor Actions (SAs) before pivoting to reviewing all SAs. Reviewing all SAs is now OIG’s standard practice.

OIG also reviews all cases proposed for Expedited Investigation during complaint classification. Complaint classification is when OPA’s leadership decides how the complaint will be processed.

Before OPA issues findings, OIG reviews and certifies its completed investigations. Following its review, OIG may require additional investigative steps before certifying OPA’s investigation as timely, thorough, and objective.

Staff & Organizational Structure

In 2022, OPA's organizational chart was reconfigured several times due to leadership and staff changes. OPA's current organizational structure is below (Figure 2). OPA's investigative team consists of nine SPD sergeants and two civilians. The Seattle Police Officers Guild collective bargaining agreement limits OPA to two civilian investigators. See Appendix D, part one on page 79 of the Seattle Police Officers Guild contract at bit.ly/43Rn35m. Civilians hold all OPA leadership positions, including investigations supervisors. See section 3.29.120(B) of the 2017 Police Accountability Ordinance at bit.ly/40oywXa. Additionally, civilians comprise OPA's administrative, community engagement, policy and data analysts, and operational management positions.

OPA Director:

- General Counsel
- Assistant Director of Investigations
- Assistant Director of Operations & Training
- Communications Manager

Reporting to General Counsel:

- Policy Manager

Reporting to the Assistant Director of Investigations:

- Investigations Supervisor (1 of 2)
 - Sergeant Investigator
 - Civilian Investigator
- Investigations Supervisor (2 of 2)
 - Sergeant Investigator
 - Sergeant Investigator
 - Sergeant Investigator
 - Sergeant Investigator
 - Civilian Investigator

Reporting to the Assistant Director of Operations & Training:

- Project Manager
- Data Analyst
- Executive Assistant
- Administrative Specialist II
- Administrative Specialist II

- Administrative Specialist II
 - Community Engagement & Restorative Justice Coordinator
 - Complaint Navigation & Community Outreach Specialist
-

Training & Professional Development

In 2022, OPA's staff attended various trainings and conferences to bring new employees up to speed and enhance the knowledge and skill sets of seasoned employees. Topics included investigative strategies, leadership development, effective communications, data gathering and analysis, and project management.

Trainings and conferences OPA attended include:

- National Internal Affairs Investigators Association Conference
- Managing and Conducting Internal Affairs Investigations Seminar (FBI-LEEDA)
- Effective Interviewing Techniques & Conversation Management (iKAT Consulting)
- National Association for Civilian Oversight of Law Enforcement Conference (NACOLE)
- Using Police Commissions to Achieve Accountability (NACOLE)
- Understanding *Brady* and *Giglio*: Civilian Oversight's Role (NACOLE)
- American Society of Evidence-Based Policing Conference
- Agile Project Management (Purdue University)
- Effective Business Communication (University College Dublin Professional Academy Online)
- National Association of Community and Restorative Justice Conference
- National Organization for Victim Assistance Conference
- Executive Leadership Institute Training (FBI-LEEDA)
- International Association of Chiefs of Police Conference
- Leadership & Management (University College Dublin Professional Academy Online)

Complaints

Community members can file an OPA complaint through five direct channels: complaint form on OPA’s website, email, phone, mail, or in-person. Anonymous complaints are accepted, but complainants are encouraged to provide contact information so OPA can follow up for investigative purposes. SPD employees may also initiate complaints or forward complaints to OPA on behalf of community members.

Data Collection

Data for this report was analyzed between January 20, 2023, and March 15, 2023, from OPA’s records management database: IAPro. It reflects accurate and complete data as of May 18, 2023, the publication date. Since OPA uses live databases, the presented allegation, finding, and case disposition numbers are subject to change. Likewise, historical data may vary slightly from figures presented in previous OPA reports due to changes in processes and reporting.

Contacts Received

OPA was contacted 2,252 times in 2022. Each contact was reviewed by OPA supervisors, investigators, and administrative staff. The office received the most contacts in January, June, and October (see Figure 3).

OPA reviews complaints to determine whether they warrant an intake investigation. These preliminary investigations entail gathering evidence, reviewing documentation and video, and interviewing the complainant. Before an intake investigation, OPA conducts a pre-intake screening to establish if a complaint falls within OPA’s jurisdiction. When screening — which may include a recorded interview with the complainant — reveals a complaint falls outside OPA’s jurisdiction, it is contact logged and closed. In 2022, OPA conducted 300 preintake screenings.

Figure 3: Contacts Received by Month (2022)



Complaints & Cases

OPA opened 454 cases in 2022, an 18% decrease from 2021 and a continuation of the preceding years' downward trend. Possible explanations for the caseload reduction include OPA optimizing administrative processes and procedures, fewer serious misconduct reports, and enhanced preintake screenings.

External complaints are received directly from the public or an intermediary, such as another city agency. Internal complaints are initiated by an SPD employee or forwarded on a community member's behalf. Of cases opened, 60% (274) were external complaints and 40% (180) were internal complaints. Cases opened are complaints that have reached the intake investigation phase. See the Classifications page. Roughly half of the external complaints were submitted through OPA's web complaint form.

Figure 4: Cases Opened by Year (2019-2022)

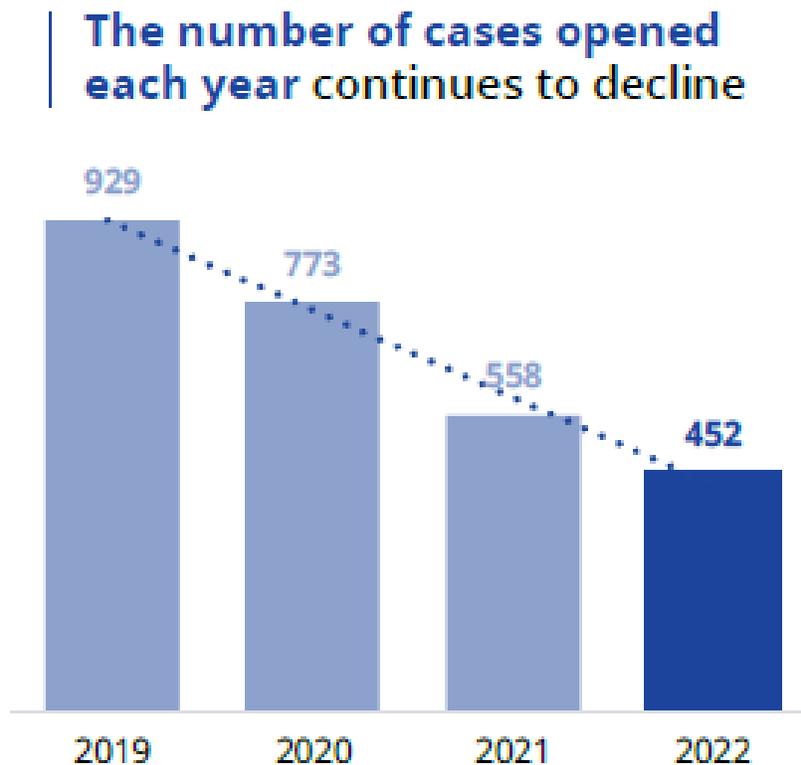


Figure 5: Filing Method of External Complaints (2022)

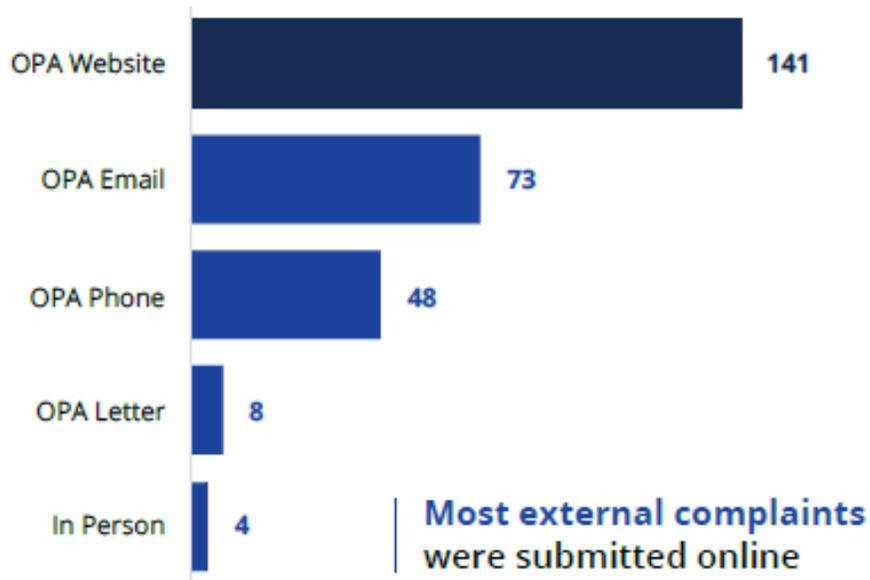
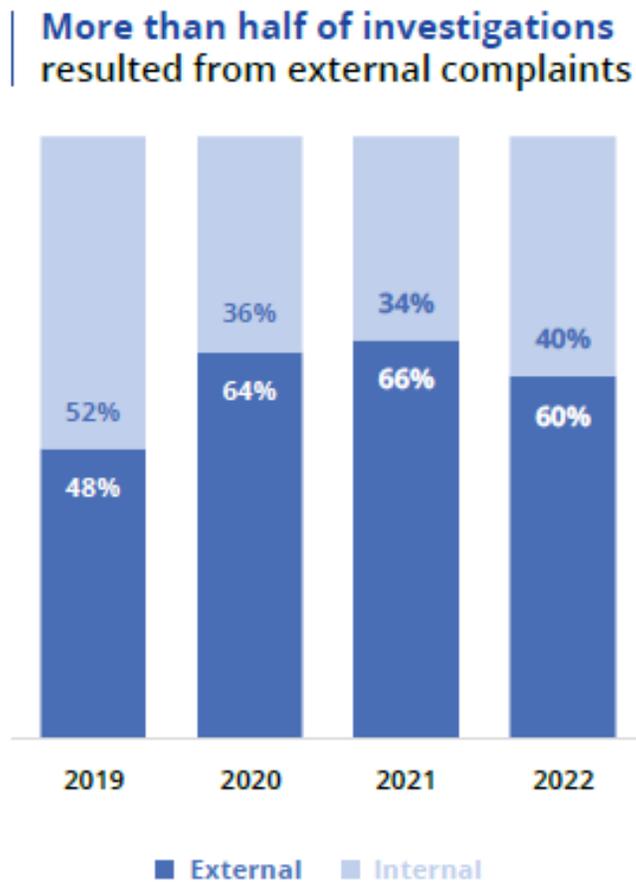


Figure 6: Source of Complaints Investigated by Year (2019-2022)



Complaint Demographics

OPA compiles complainant demographics from several sources. Those who file an in person or web complaint may voluntarily disclose their race and gender. For complaints generated internally or referred from SPD, the supervisor submitting the complaint may enter the complainant’s demographic information. In addition, during intake investigations, OPA investigators ask whether complainants want to disclose their race and/or gender.

In 2022, about 50% of complainants disclosed their race and 65% disclosed their gender. This data indicated Black/African American complainants increased from 2021, and white complainants decreased. It also showed OPA complainants were roughly 50% male and 50% female, with less than 1% identifying as transgender or non-binary.

Figure 7: Race/Ethnicity of Complainants Where Data was Documented by Year (2019-2022)

Race	2019	2020	2021	2022
White	58%	62%	55%	47%
Black/African American	23%	22%	27%	34%
Asian/Pacific Islander	8%	3%	5%	6%
Hispanic/Latino	2%	4%	8%	5%
2 or More	5%	6%	4%	5%
Other	2%	1%	1%	2%
Native American	2%	2%	0%	1%

SPD Employees Named in Complaints

Four hundred and eleven (411) SPD employees had at least one complaint in 2022. Most — 94% (385) — were sworn employees. This represents between 33-35% of all sworn personnel. According to data provided by SPD Human Resources, SPD began 2022 with 1,184 total sworn employees (959 in-service officers) and ended it with 1,098 (879 in-service officers). OPA also received complaints about 26 civilian employees. One hundred and forty-two (142) employees received multiple complaints. Consistent with previous years, the named employee gender ratio was 84% male and 16% female. Generally, employees with greater policing experience received fewer complaints.

Figure 8: Race/Ethnicity of Employees Who Received Complaints (2019-2022)

Race	2019	2020	2021	2022
White	71%	71%	64%	62%
Black/African American	7%	7%	8%	9%
Hispanic/Latino	6%	6%	8%	9%
2 or More	5%	5%	7%	8%
Asian/Pacific Islander	8%	6%	7%	6%
Other/Unknown	3%	3%	5%	5%
Native American	2%	1%	1%	1%

Figure 9: Complaints Received Per Employee (2022)

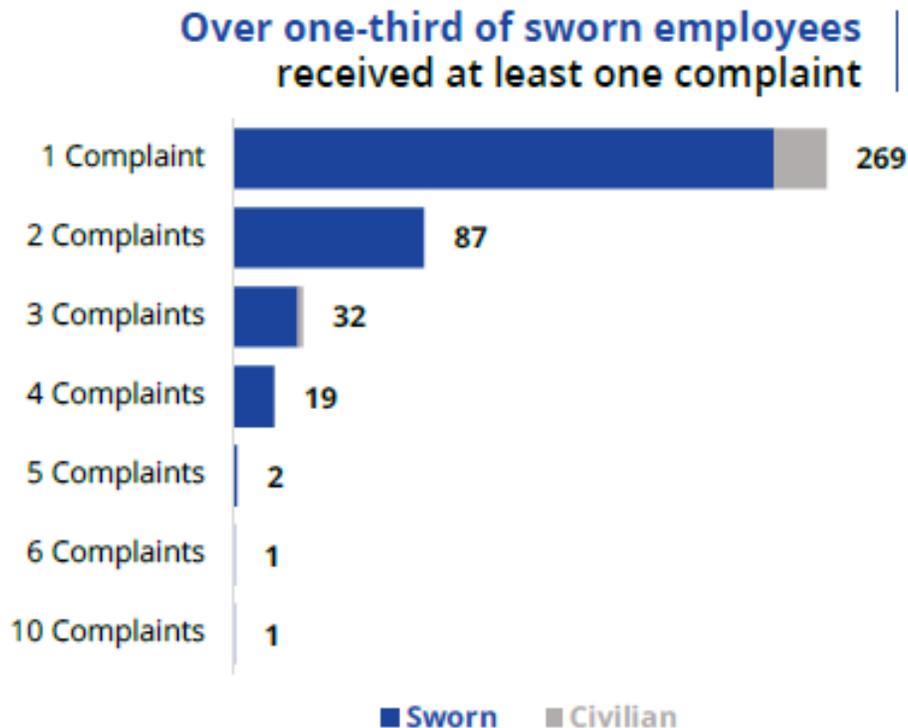


Figure 10: Employees Who Received Complaints by Number of Years Employed (2022)

- 0-4 Years – 124
- 5-10 Years – 105
- 11-20 Years – 89
- 21+ Years – 93

Employees with less experience received more complaints.

Incident Locations

Most complaints alleged misconduct within the West Precinct, including downtown, South Lake Union, Queen Anne, and Magnolia. This trend is consistent with historical data as the West Precinct traditionally receives the most complaints, except for 2020 when police responses to protests increased East Precinct complaints.

SPD Precinct Map



Figure 11: Incident Locations Resulting in Complaints by SPD Precinct (2022)

- West - 81
- South - 70
- East - 57
- North - 55
- Southwest - 26
- Outside of Seattle - 9
- **Total Known - 298**

Allegations

During its intake process, OPA reviews complaints and determines what SPD policy or policies were allegedly violated. Those policies are generally found in the SPD Policy Manual, but OPA may also cite a specialized unit's training manual or SPD directives. See the SPD Policy Manual at public.powerdms.com/Sea4550/tree. All written communication exchanged with

employees and complainants lists the specific SPD policy directives investigated rather than the OPA allegation type. A complaint may contain multiple allegations against one or more SPD employees. OPA recorded 1,081 alleged policy violations in 2022.

As in 2021, professionalism, bias-free policing, and investigations and reports were the top allegations. Violations of SPD's professionalism policy include behavior that undermines public trust or profanity directed as an insult. See SPD Manual 5.001-POL-10 at bit.ly/3AgHoDG. Bias-free policing allegations generally accuse an officer of differential treatment based on someone's discernible personal characteristics. See SPD Manual 5.140 at bit.ly/3KR8Qg1. Investigations and reports allegations typically claims an employee failed to complete required police reports or conduct thorough criminal investigations.

Ninety allegations, roughly 18%, were for improper use of force — a 36% decrease from 2021. Use of force allegations have steadily declined since 2020.

Almost one in five allegations involved unprofessional conduct.

Figure 12: Count of Allegations by Type (2022)

- Professionalism (204)
- Bias-free Policing (108)
- Investigations & Reports (107)
- Stops, Detentions & Arrests (100)
- Force-Use (90)
- Conformance to Law (49)
- Vehicle Operation (42)
- Administrative Procedures (37)
- Integrity and Ethics (33)
- Discretion & Authority (31)
- Force – Reporting (29)
- Search & Seizure (27)
- Force – De-escalation (26)

- Performance of Duty (26)
- Video and Audio Recording (24)
- Retaliation and Harassment (21)
- Property & Evidence (20)
- All Other Allegations* (86)

*Category includes the following allegations: Supervisory Responsibility (14); Equipment and Uniform (11); Training, Qualification and Certification (10); Timekeeping and Payroll (9); Tickets and Traffic Contact Reports (7); Bias – Investigation (5); Obedience to Orders (5); Information and Communications Systems (4); Bias – Reporting (4); Secondary Employment (4); Crisis Intervention (4); Duty to Provide Identification (2); Social Media (2); Service Quality (1); Self-reporting Obligations (1); Professionalism - 5.001 (1); Courtesy and Demeanor (1); and Confidentiality (1).

Figure 13: Number of Use of Force Allegations by Year (2019-2022)



Use of Force allegations continued to decline since 2020.

Classifications

Most complaints with plausible SPD misconduct allegations undergo a preliminary investigation, referred to as an intake investigation. Intake investigations entail gathering evidence, reviewing documents and video, and interviewing the complainant when possible. After the intake, OPA leadership determines whether the allegations, if proven true, would violate laws or SPD policies. If so, OPA leadership classifies the complaint — indicating how it will be processed — within 30 days of its filing.

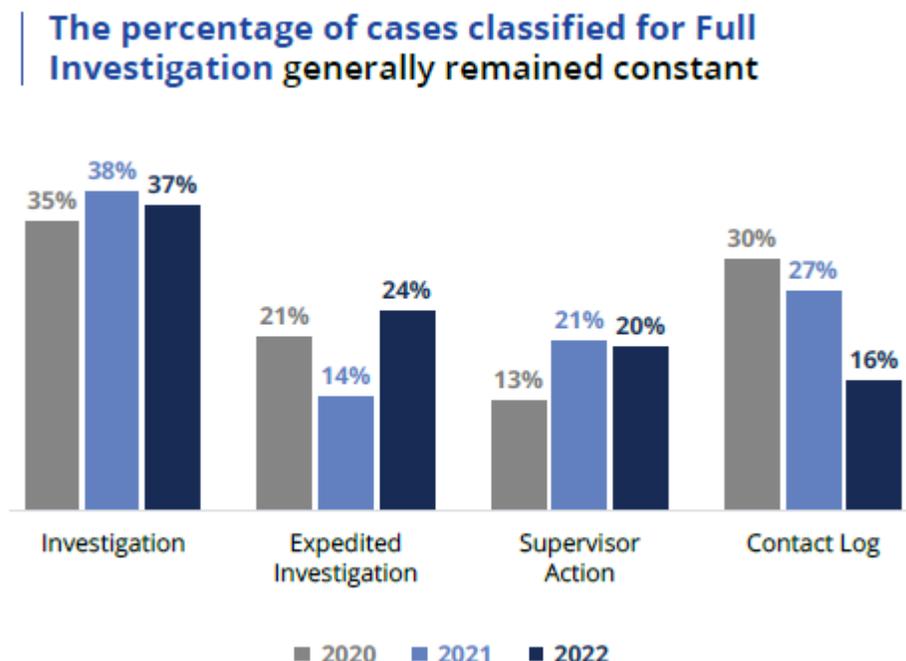
Figure 14: Number of Cases by Classification Type (2022)

- Investigation – 166
- Expedited Investigation – 109
- Contact Log – 89
- Supervisor Action – 71
- Rapid Adjudication - 2

More than half of cases were classified for investigation.

OPA classified 60% of its 454 intake investigations for Full or Expedited Investigation in 2022, up 8% from 2021. Contact Logs decreased by 9% from 2021. OPA sent 71 complaints to the employee’s chain of command for Supervisor Action, a 1% decrease from 2021. Two cases were resolved through Rapid Adjudication, and none went to Mediation.

Figure 15: Classification Type as a Percent of Total Complaints (2020-2022)



Chief of Police Investigations

In 2022, Seattle's City Council passed an ordinance setting requirements for investigating complaints naming the chief of police. See Ordinance 126628 at bit.ly/3FrXkpp. OPA cases involving the chief of police follow a different process and are not subject to the 180-day timeline imposed on other investigations. OPA conducts an intake investigation for those cases and then recommends a classification to OIG. As of March 15, 2023, 10 cases alleging misconduct by the chief of police were in the intake phase: OPA sent eight to OIG for consultation, as required by ordinance, one is at OPA's intake stage, and another is pending the review of a related external investigation.

Classification Types

Contact Log: A case may be classified as a Contact Log under the following circumstances: (1) the complaint does not involve a potential policy violation by an SPD employee; (2) there is insufficient information to proceed with further inquiry; (3) the complaint is time-barred under the contractual statute of limitations; (4) the complaint was previously reviewed or adjudicated by OPA and/or OIG; or (5) the complaint presents fact patterns that are clearly implausible or incredible, and there are no indicia of other potential misconduct.

Supervisor Action: The complaint generally involves a minor policy violation or performance issue that is best addressed through training, communication, or coaching by the employee's supervisor. Minor policy violations are defined by SPD Manual 5.002 and OPA classification precedent. Examples of cases generally classified as Supervisor Actions under OPA's classification precedent include non-intentional failures to activate body-worn video, minor driving issues, minor paperwork deficiencies with no prior similar conduct, and missed trainings with no prior similar conduct.

Investigation: The complaint alleges a violation of SPD policy or other category of violation that OPA is required by law and policy to investigate. See Ordinance 125315 § 3.29.125(A) at bit.ly/3Dsi3ra. OPA conducts a comprehensive investigation (e.g., gathering additional evidence, interviewing involved parties and/or witnesses, etc.) and issues findings, which may result in formal discipline.

Expedited Investigation: The complaint alleges a violation of SPD policy or other category of violation that OPA is required by law and policy to investigate. *Id.* However, OPA, with the agreement of OIG, determines that findings can be reached based on the intake investigation without further investigation. OPA will generally not interview named employees. This classification may be appropriate when the evidence shows misconduct did not occur as alleged or minor misconduct occurred but is best addressed by a training referral or Management Action Recommendation (see section about Management Action Recommendations).

Alternative Dispute Resolution Types

Mediation: The complaint involves a misunderstanding or conflict between an SPD employee and a community member suitable for a face-to-face resolution. Mediation is an opportunity for the employee and community member to discuss the conflict with the guidance of a neutral third-party mediator.

Rapid Adjudication: The complaint involves a minor to moderate policy violation that the named employee recognizes was inconsistent with policy. The employee accepts discipline rather than undergoing an investigation.

Investigations

In recent years, community members have generated a growing percentage of complaints classified for investigation. More than half of all investigations in 2022 originated from community member complaints.

Expedited & Full Investigations

An Expedited Investigation is when OPA's director issues findings based on the preliminary investigation. OPA expedites investigations when an objective review of the evidence, typically in-car and body-worn video, is sufficient to reach findings without further investigation or conducting interviews with involved employees. Per collective bargaining agreements covering most SPD employees, if OPA does not interview a named employee, sustained findings cannot result in discipline. OPA often uses "Full Investigation" in reference to traditionally investigated cases. That does not mean Expedited Investigation cases do not receive thorough analysis; they do, and OIG reviews and certifies all proposed Expedited Investigation classifications before OPA makes a final classification decision. If OIG raises concerns about a proposed Expedited Investigation classification, OPA will conduct a Full Investigation into the complaint.

OPA classified a higher percentage of cases for Expedited Investigation in 2022 than in 2021.

Figure 16: Investigation Classification Types by Year (2019-2022)



Timeliness

Under the Seattle Police Officers Guild (SPOG) and Seattle Police Management Association (SPMA) collective bargaining agreements, OPA must generally complete investigations within 180 days from when an SPD supervisor or OPA receives a complaint. For more information, see SPOG collective bargaining agreement section 3.6 (B) at bit.ly/3GDrDKC and SPMA collective bargaining agreement section 16.4 (C) at bit.ly/3GE0bfC. To ensure a timely investigation, OPA may calculate the 180-day investigation period from the date of the incident, even if the complaint is received later. In 2022, 97% (254 of 261) of OPA investigations bound by a 180-day timeline were timely. For untimely investigations, OPA sends a letter to the mayor, the city council president and the public safety committee chair, the city attorney, the inspector general, and the CPC executive director explaining the delay.

Findings

The OPA director reviews every completed investigation and issues a memorandum to the named employee's chain of command, recommending a finding for each allegation using a preponderance of the evidence standard. The memorandum applies relevant law and policy to gathered facts to show how the director reached conclusions.

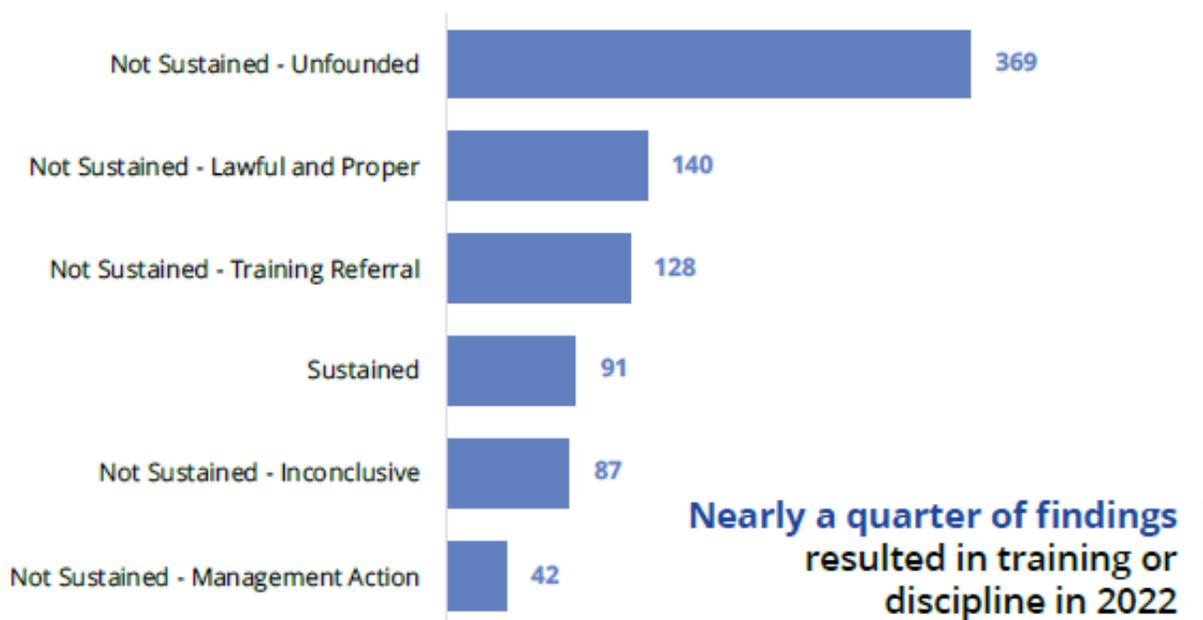
Finding Types

If the evidence shows an SPD policy violation, the OPA director may recommend a **sustained** finding. If the evidence shows misconduct did not occur, the director will likely recommend a **not sustained** finding, accompanied by one of the following explanations:

- **Unfounded:** The evidence indicates the alleged policy violation did not occur as reported or did not occur at all.
- **Lawful and Proper:** The evidence indicates the alleged conduct did occur but was justified and consistent with policy.
- **Inconclusive:** The evidence neither supports nor refutes the allegation of misconduct.
- **Training Referral:** There was a potential, but not willful, violation of policy that does not amount to serious misconduct. The employee’s chain of command will provide appropriate training and counseling.
- **Management Action:** The evidence indicates the employee may have acted contrary to policy, but due to a potential deficiency in policy or training, OPA issues SPD a recommendation to clarify or revise the policy or training.

In 2022, OPA issued findings for 857 allegations in 290 investigations. Thirteen percent of completed investigations contained one or more sustained findings, down from 26% in 2021. In 2022, none of the OPA director’s recommended findings were overturned by the chief of police. Since 2015, the chief has overturned less than 2% of OPA findings. **Thirteen percent of completed investigations contained one or more sustained findings...**

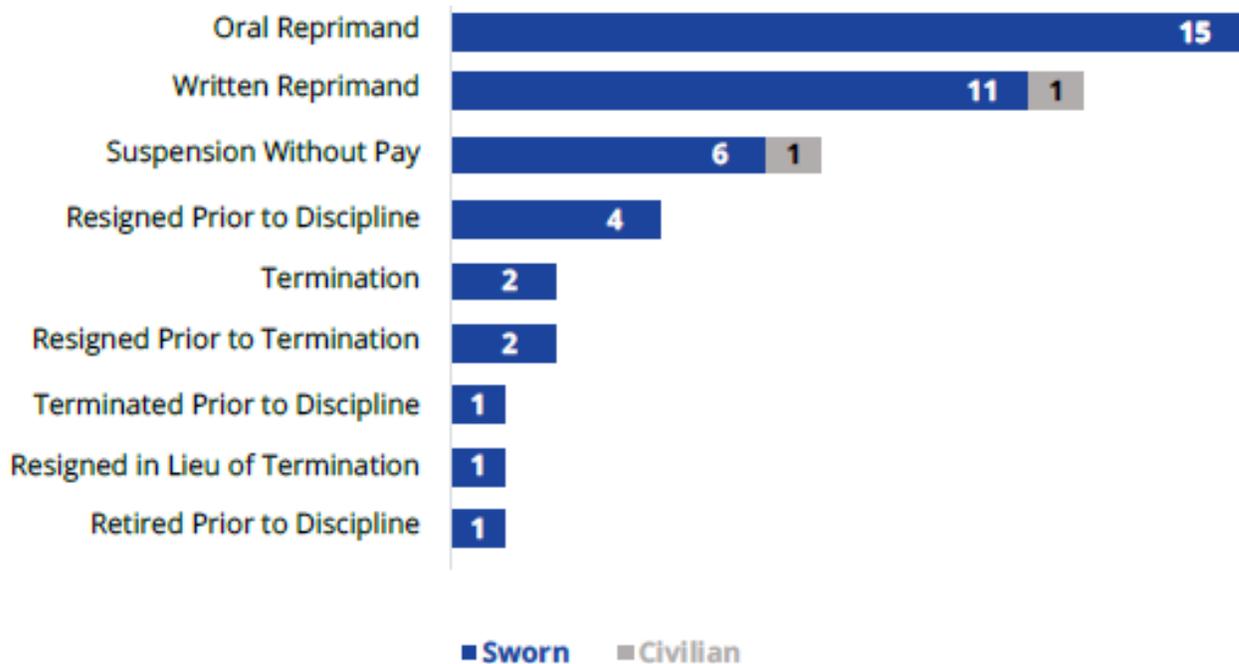
Figure 17: Findings Issued for Allegations by Type (2022)



Discipline Imposed

OPA sustained 91 allegations in 39 cases in 2022. Forty-four SPD employees received at least one sustained finding. Two were civilian employees and 42 were sworn. Three employees received sustained findings in more than one OPA investigation. Two sworn employees were terminated in 2022.

Figure 18: Discipline Imposed by Type for Sustained Findings (2022)



Discipline Types

For each allegation, the chief can impose one of five types of discipline:

- No Discipline:** No formal discipline is imposed. The employee receives a closing letter.
- Oral Reprimand:** A reprimand is administered by the employee's chain of command to explain how their conduct violated a policy. As with all discipline, the goal is to correct the behavior and ensure it does not reoccur.
- Written Reprimand:** Written reprimands are generally imposed for higher levels of misconduct or when aggravating factors make an oral reprimand inappropriate. This is the final corrective step prior to a higher level of discipline.

- **Suspension:** The employee is required to forego work and pay. Suspensions are generally imposed when the misconduct is sufficiently severe that an oral or written reprimand is too lenient to ensure the behavior will be corrected. Suspensions are given in full day increments up to 30 days.
- **Termination:** An employee is dismissed from their employment.
- **Other:** Includes demotions, reassignments, or other disciplinary actions not otherwise noted.

There are also instances in which employees resign or retire in lieu of or prior to the proposed discipline.

Appeals

Sworn employees disciplined due to an OPA investigation have appellate rights. Appeals are heard by the Public Safety Civil Service Commission (PSCSC) or through arbitration. The PSCSC is a three-member appointed body that hears appeals and issues decisions within 90 days of a public hearing. Conversely, arbitration hearings are closed to the public, and decisions are issued within 30 days of a hearing. Ninety-five percent of appeals filed between 2017-2022 were filed through arbitration. SPD does not wait for the conclusion of either appellate option before disciplining an officer.

Ninety-five percent of appeals filed between 2017- 2022 were filed through arbitration.

Officers and SPOG filed six appeals in 2022. Three officers appealed suspensions, two appealed written reprimands, and one appealed an oral reprimand. For more information about appeals, see seattle.gov/opa/case-data/disciplinary-appeals. One appeal was closed in 2022 when the PSCSC dismissed a 2021 case concerning an employee suspended without pay. This appeal was dismissed because the appellant withdrew it before the hearing.

The City Attorney's Office handles appeals and provides bi-annual status reports to OPA and OIG. OPA's website contains data from those reports for appeals filed since 2016. Arbitrator selection and scheduling is a lengthy process, as evidenced by the backlog of open appeals. Several pending arbitrations involve officers who no longer work at SPD. At the end of 2022, 89 open appeals pended arbitration.

Policy & Programs

Unsubstantiated Misconduct Screenings

The Unsubstantiated Misconduct Screening (UMS) program allows SPD's chain of command to investigate and document misconduct allegations refuted by evidence and screen them with OPA. The OPA director reviews the SPD supervisor's analysis and relevant video to determine whether a formal OPA complaint referral should be made.

The program began in 2018 to filter baseless complaints and increase employee morale. Before this program, OPA conducted Full Investigations into demonstrably false claims, contributing to employee dissatisfaction and decreased confidence in procedural justice. In the past, such complaints, even where clearly false, were submitted to OPA. Policy required OPA to investigate those complaints, regardless of merit. Low morale reportedly increased officer resignations, a continued issue for SPD and other departments. OPA also spent considerable resources investigating false claims, diluting its capacity for viable misconduct allegations. While the UMS program did not completely resolve those concerns, it increased efficiency for OPA and promoted fairness for SPD employees.

Mediation

In 2022, OPA offered eight mediations, but none were accepted. Mediations have decreased since 2019, likely impacted by community-police relations and the COVID-19 pandemic. Two cases were resolved through mediation in 2021, none in 2020, and seven in 2019.

OPA will continue promoting and educating community members and officers about its mediation program to increase buy-in and participation. In 2022, OPA's mediation coordinator completed a two-month SPD employee awareness campaign, including presentations and discussions at all precincts and most watch hours. During those visits, OPA provided a program overview, discussed process details, and encouraged officers to consider mediation a viable resolution for eligible complaints.

Mediation is a voluntary dispute resolution process for SPD employees and community members to discuss a conflict with the guidance of a neutral thirdparty mediator. OPA selects complaints for mediation based on criteria consistent with national best practices, including an assessment of the type and severity of the allegation and the likelihood of a successful resolution. Employees and complainants offered mediation may accept it or pursue a traditional course of action. See seattle.gov/opa/programs/mediation-program.

Rapid Adjudication

Rapid Adjudication is an alternative dispute resolution option for complaints involving minor to moderate policy violations. It promotes faster case resolutions, fewer appeals and delays, and allows OPA to conserve resources for more serious cases. For a complaint to be resolved through Rapid Adjudication, the SPD employee must acknowledge their conduct was inconsistent with SPD policy and accept pre-determined discipline instead of an investigation. See seattle.gov/opa/programs/rapid-adjudication. In 2022, OPA resolved one case through Rapid Adjudication and classified another. OIG must concur with OPA's Rapid Adjudication classifications.

Management Action Recommendations

During an investigation, OPA may identify systemic concerns with SPD policies or training and issue a Management Action Recommendation (MAR). MARs aim to clarify or revise policies, encourage best practices, preempt misconduct, and limit overturned findings caused by deficient policies, procedures, or training. Although SPD is not required to implement OPA's recommendations, historically this collaboration has been successful, with 67% of MARs from 2018-2021 either partially or fully implemented.

A MAR is complete when OPA receives a formal response letter from SPD. After reviewing SPD's response, OPA determines whether the recommendation was "fully implemented," "partially implemented," or "declined action." A "fully implemented" status means SPD implemented all proposed recommendations. "Partially implemented" means SPD implemented one or more recommendations and provided a rationale for non-implemented recommendations. "Declined action" means SPD did not act on the recommendations but indicated why (e.g., reasons of feasibility, law, policy, or a difference of opinion). OPA considers each status complete. OPA posts all MARs and SPD responses on its website, where statuses are regularly updated. See MAR statuses at seattle.gov/opa/policy/policy-recommendations. When MARs result in SPD training changes, OPA may monitor its full implementation.

In 2022, OPA issued 17 MARs. SPD completed nine, with 67% partially or fully implemented. Appendix A lists 2022 recommendations.

Reviewing SPD Policy

In 2022, OPA worked with SPD command staff and the Audit, Policy, and Research Section (APRS) to review and modify SPD policies. OPA collaborates with APRS in several ways, including:

- Advising on policies as part of APRS's three-year review
- Assisting with annual policy reviews as mandated by the Consent Decree
- Recommending policy changes based on trends or patterns found in investigations

The 2012 Consent Decree between the City of Seattle and the Department of Justice (DOJ) requires SPD to submit policies, procedures, and training curricula and manuals to the Monitor and DOJ for review and comment before publication and implementation. With the Monitor's assistance, SPD must review each policy, procedure, training curriculum, and training manual within 180 days of implementation and annually thereafter.

In 2022, OPA published 11 Case and Policy Update newsletters to increase communication and transparency by highlighting OPA data trends and policy recommendations that may inform officers' work. Newsletter subscribers increased 25% in 2022, ending the year with over 2,100 subscribers.

Other OPA Functions

Community Engagement

In 2022, OPA's community engagement specialists hosted or attended 33 events — most aimed at increasing awareness about Seattle's police accountability system within marginalized communities. OPA tabled several community events and presented at libraries across Seattle.

In collaboration with the accountability system partners, OPA hosted a "Conversations with the Clergy" event to build relationships with and raise police oversight awareness among Black clergy. OPA also hired a complaint navigator to engage community members and guide complainants through potentially complex and lengthy investigations.

SPD Employee Engagement

Leadership changes and staff transitions led to fewer OPA and SPD engagements compared to years prior. Nevertheless, OPA engaged with SPD employees in several capacities, including roll call visits, informational presentations for recruits, and participating in SPD's Before the Badge program. Those presentations explained OPA's function and operations and outlined expectations for recruits and community service officers. Director Betts also visited the North Precinct in October, explaining his vision for OPA and answering officers' questions.

Monitoring Serious Incidents

The SPD Manual requires officers' use of force to be documented and investigated. SPD's Force Investigation Team (FIT) investigates significant force applications. OPA observes FIT investigations involving Type III uses of force, including officer-involved shootings. Type III use of force is force that causes, or is reasonably expected to cause,

great bodily harm, substantial bodily harm, loss of consciousness, or death. See bit.ly/3LgLWjD. OPA is responsible for identifying potential policy violations during a Type III investigation. For more information about OPA's role during a Type III investigation, see SPD Policy Manual sections 8.400-POL-5(5) and 8.400-TSK-21 at bit.ly/42dE4Fm.

When those incidents occur, OPA responds to the incident location and participates in the administrative investigation and discussion. The administrative investigation examines whether an officer's conduct followed SPD policy and training. OPA may identify possible policy violations and initiate a complaint at any point.

FIT callouts demand significant time and resources. In 2022, OPA responded to nine FIT callouts. Callouts are generally attended by a civilian supervisor and sworn investigators. OPA representatives stay at the incident location, the hospital, or the FIT office until the initial investigation and interviews are completed. OPA aims to attend all FIT callouts to increase procedural justice by fortifying civilian oversight, accountability, and transparency for force investigations.

Appendix A

Management Action Recommendations

Topic: Bias Complaints Against Parking Enforcement Officers

OPA Recommendation

Create a bias complaint investigation policy and process. Require all Parking Enforcement Officers and supervisors comply with bias reporting and investigation requirements.

SPD Action

This MAR was directed to the Seattle Department of Transportation (SDOT), not SPD, so no formal response was required.

Status: Completed

Topic: Reporting Policy Violations

OPA Recommendation

Revise SPD Policy 5.002-POL-6 to set forth when potential misconduct must be reported to a supervisor or OPA. Evaluate whether certain types of misconduct should have different reporting requirements.

SPD Action: None

Status: Active

Topic: Subjects with Knives

OPA Recommendation

Revamp SPD training for responding to subjects with knives, including role-playing exercises. Partner with OIG and OPA to conduct a survey of other agencies' tactics for dealing with subjects with knives. Research and potentially supplement SPD's existing equipment with other lesslethal tools. Set the expectation that similar shootings will not occur again and work toward that goal.

SPD Action

Developed a revised mandatory edged weapon training with in-person scenarios for all sworn employees and a Bola Wrap pilot project. Continue to collaborate with accountability partners to ensure that training, policy, and practices are supported and understood throughout Seattle. Continue to hold officers to use of force standards but understand that circumstances may arise in which deadly force is necessary.

Status: Fully Implemented

Topic: Firearm Storage

OPA Recommendation

Require all SPD employees to receive training on safe storage laws. Create a policy that references the law requirements and discusses the safe handling and storage of firearms and other sensitive police equipment.

SPD Action

Revised policy 9.060(5) – “Sworn Employees will Store Department-Authorized Firearms Properly” to comport with Washington State Law regarding Safe Storage of firearms. Officers are required to review the policy change and take a short test to demonstrate their understanding of the change and their responsibilities.

Status: Fully Implemented

Topic: Bicycles as Impact Weapons

OPA Recommendation

Collaborate with SPD bicycle and crowd management experts to outline potential bicycle techniques as uses of force. Expand policy 8.300-POL-3 to require force reporting for officers using trained bicycle techniques in untrained ways that result in greater than de minimis force. Engage with community stakeholders and accountability system partners for policy development. Include evaluation results in future bicycle crowd control trainings and instruct officers on proper tactics.

SPD Action

In collaboration with accountability partners and community, SPD used feedback to inform annual revisions to use of force policies and training, including language regarding uses of force that deviate from training and revising the bicycle training curriculum.

Status: Fully Implemented

Topic: Vehicle Pursuits

OPA Recommendation

Reevaluate the language in SPD Policy 13.031-POL-4 to clarify what constitutes a “significant imminent threat of death or physical injury to others.” Instruct officers on any changes to the policy and provide departmentwide guidance on this matter.

SPD Action: None

Status: Active

Topic: Case Management

OPA Recommendation

Review, audit, and develop a comprehensive plan to improve case management processes and training. Analyze case management best practices. Achieve timely access, permissions, and training on relevant systems for employees assigned to follow-up units, automated safeguards to ensure that cases are not neglected, and training and/or reminders for officers to ensure alert packets are sent to follow-up units. Reallocate resources as future staffing allows to effectively manage case volume.

SPD Action

Mayor Harrell, in collaboration with Chief Diaz, announced an executive order directing a systemic assessment of SPD's Investigation Bureau that will review policies, protocols, and practices. Since the order was issued, all unassigned Sexual Assault Unit (SAU) cases have been assigned to detectives. SPD is also consulting to review SAU's processes and protocols.

Status: In progress

Topic: Vehicle Arrest Scenarios

OPA Recommendation

Develop scenario-based training on detaining subjects in and around vehicles. Incorporate instruction on team tactics and decision making, de-escalation, removing subjects from vehicles, appropriate levels of force, and specific dangers and risks.

SPD Action

SPD will provide a three-day patrol tactics course in 2023. This training will include high-risk vehicle stops and the components outlined in OPA's recommendation. The training is mandatory for all sworn employees, is a state requirement, and has been approved by the Washington State Criminal Justice Training Commission.

Status: Fully Implemented

Topic: Email Access

OPA Recommendation

Ensure the timely restriction of email access upon an employee's separation from SPD.

SPD Action

The standard employee separation process already includes revoking email access, vacation payout, etc., and can take several days to complete. This is due to the different departments that need to process parts of the separation.

Status: Declined Action. SPD believes its existing system sufficiently meets OPA's recommendations, and as such considers this MAR fully implemented. However, OPA concluded no action was taken on its recommendation and categorized it as "declined action."

Topic: Rifle Storage

OPA Recommendation

Update the Rifle Program manual and training to address secure storage in SPD vehicles, appropriateness of deploying to demonstrations, and requirements to remain in vehicles containing patrol rifles or other firearms.

SPD Action

SPD rifle officers now have lock boxes in their patrol vehicles for secure rifle storage. This complies with Washington State law regarding safe storage of firearms. SPD declined action on the recommendation to require officers to remain with their vehicles if they contain patrol rifles or other firearms. SPD believes that the risks associated with leaving the vehicle unattended are outweighed when confronted with mass demonstrations, property destruction, and looting.

Status: Declined Action. SPD considers this MAR "partially implemented" due to improved equipment. However, OPA categorized SPD's decision as "declined action" because the manuals and training were not updated.

Topic: Patrol Officer

OPA Recommendation

Revise SPD Policy 5.100 – I. "Patrol Officers – A. Responsibilities" to define "appropriate action" relative to Department expectations for timely responses to calls, define and advise on stacking calls when there are multiple calls holding, and require officers to log off when taking a meal break. Revise SPD Policy 5.100 – III. "Patrol Sergeant – B. Field Supervision" to include meal breaks.

SPD Action: None

Status: Active

Topic: Car Brigades

OPA Recommendation

Develop training scenarios and a policy for interacting with car brigades and vehicles involved in protests. Emphasize de-escalation and multiple opportunities for voluntary compliance before damaging property.

SPD Action

SPD did not develop car brigade specific policy, but bolstered training regarding instructions incident commanders would provide to officers deployed in situations including car brigades. SPD is also considering including a training scenario addressing car brigades in the 2023 crowd management training.

Status: Partially Implemented

Topic: Vehicle-to-Vehicle Contact

OPA Recommendation

Consider reconciling sections of SPD Manual Title 13 and 8 to eliminate ambiguity in the vehicle-to-vehicle context of what constitutes a reportable collision as opposed to a use of force, specifically with respect to de minimis contact during approved containment.

SPD Action

SPD drafted revised policies on vehicle tactics and issued an interim directive. The policies were submitted to the Monitoring Team and the Department of Justice for review.

Status: In Progress

Topic: East Precinct Garage

OPA Recommendation

Improve the East Precinct garage exit onto East Pine Street so that pedestrians are conspicuously alerted to exiting vehicles. Issue orders, training, or guidance to all SPD employees concerning the use of the siren and air horn to avoid the unnecessary use of these tools and protect public safety.

SPD Action

The East Precinct garage has a unique layout. The precinct captain is currently making efforts to have the standard audible warning with a more visible strobe installed.

Status: In Progress

Topic: Employee Timekeeping

OPA Recommendation

Move current paper processes for recording employee overtime into a centralized

database that can also track off-duty employment hours. Require records to be kept on employee work hours, overtime, off-duty work, and furloughs, and flag employees who may be working excess hours. Enable supervisors to view their employees' approved overtime hours. Clearly define what qualifies under the public safety and mandatory overtime exceptions to the 90-hour rule and align with SPD's pay periods. Reconcile any conflicts between CBAs and SPD policy. Negotiate recommended changes that are mandatory subjects of bargaining. Require that dates a disciplinary suspension will be served are submitted to the Seattle Police Operations Center. Implement safeguards to prevent employees from coding overtime hours while disciplinary suspensions are served.

SPD Action

Seattle Human Resources Information Systems is in the process of being upgraded, and SPD hopes to coordinate with Seattle Human Resources on a system that will be compatible with the upgraded system. Once a new system is in place, SPD will ensure that policies and practices reflect the systems' capabilities.

Status: In Progress

Topic: Vehicle Eluding/ Pursuits

OPA Recommendation

Revise SPD Policy 13.031-POL-4 to clarify whether a supervisor's approval is required to initiate a pursuit or rather to continue a pursuit that was already initiated.

SPD Action

SPD will remind supervisors during training that the policy states officers may initiate pursuits when the circumstances meet the standards defined in policy but must get supervisory approval to continue them.

Status: Partially Implemented

Topic: Deadly Force Clarification

OPA Recommendation

Provide a department-wide eDirective clarifying officers may only use deadly force to defend human beings. Develop a training module and consider amending SPD Policy 8.200-POL-4 to clarify.

SPD Action: None

Status: Active